



City of Huntington Beach Planning and Building Department

**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Ethan Edwards, AICP, Associate Planner *Se*  
**DATE:** September 14, 2010

**SUBJECT:** **ENTITLEMENT PLAN AMENDMENT NO. 10-003 (PLAZA ALMERIA CARTS – AMENDMENT TO CONDITIONAL USE PERMIT NO. 00-15(R) – CONTINUED FROM THE AUGUST 10, 2010 MEETING WITH THE PUBLIC HEARING OPEN)**

**APPLICANT:** Michael Adams, Michael C. Adams Associates, P.O. Box 382, Huntington Beach, CA 92648

**PROPERTY OWNER:** John Tillotson, J.T. Development, 15272 Bolsa Chica Road, Huntington Beach, CA 92649

**LOCATION:** 301 Main Street, 92648 (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue – Plaza Almeria)

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**STATEMENT OF ISSUE:**

- ♦ Entitlement Plan Amendment No. 10-003 request:
  - To amend Condition of Approval No. 1 of Conditional Use Permit No. 00-15(R) by increasing the number of approved portable vending carts from 6 to 14.
- ♦ Staff's Recommendation:

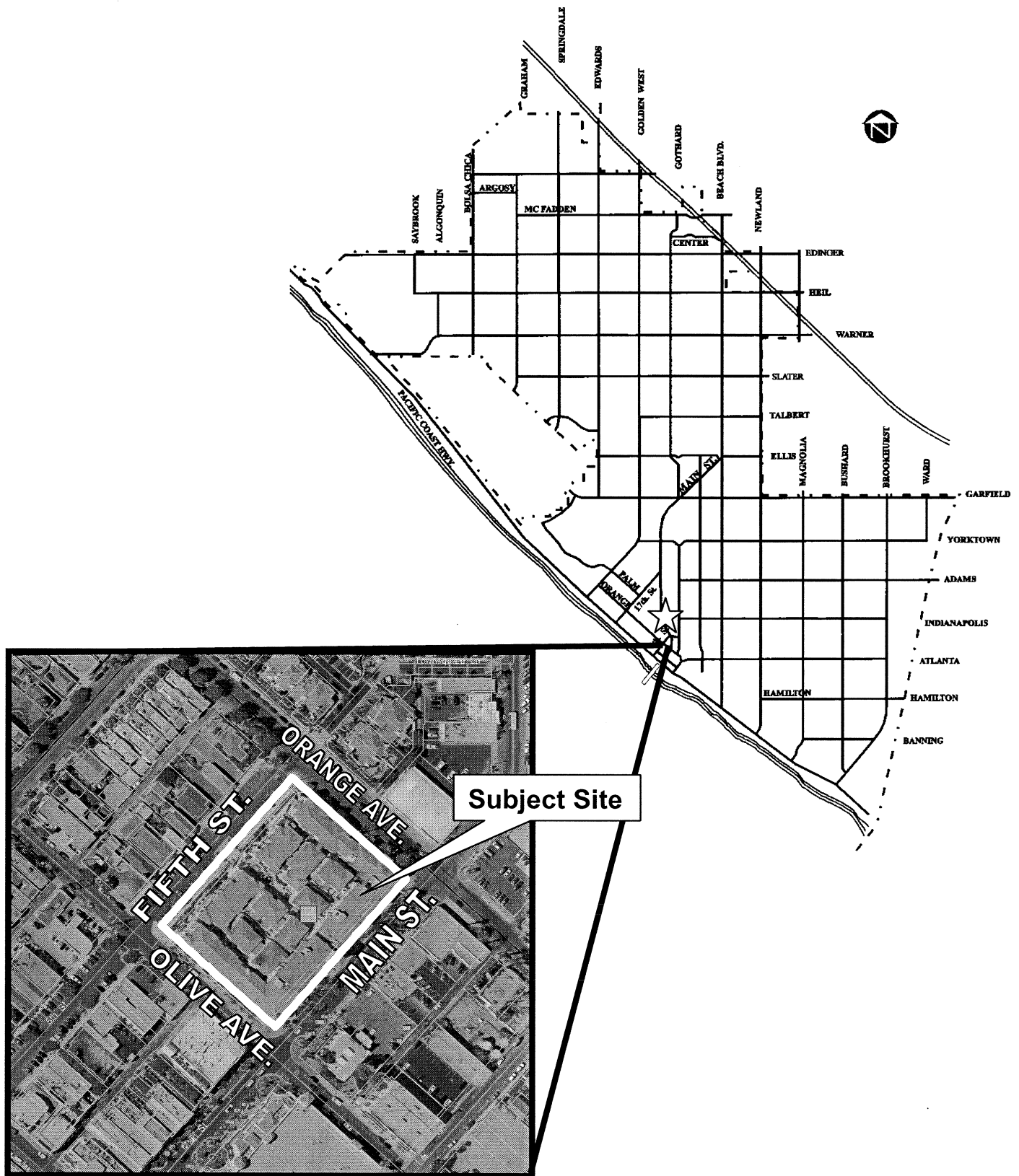
Approve Entitlement Plan Amendment No. 10-003 based upon the following:

  - The proposed use is consistent with the zoning code and General Plan Land Use and Economic Development Elements which encourage visitor-serving uses in the Downtown area.
  - The Downtown Specific Plan promotes outdoor uses to foster pedestrian activity.
  - Complies with carts and kiosks development standards.
  - As conditioned, provides adequate pedestrian corridors between outdoor dining, sidewalk amenities, and portable vending carts.

**RECOMMENDATION:**

Motion to:

“Approve Entitlement Plan Amendment No. 10-003 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP**  
**ENTITLEMENT PLAN AMENDMENT NO. 10-003**  
**(PLAZA ALMERIA CARTS – 301 MAIN STREET)**

### **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Deny Entitlement Plan Amendment No. 10-003 with findings for denial.”
- B. “Continue Entitlement Plan Amendment No. 10-003 and direct staff accordingly.”

### **PROJECT PROPOSAL:**

Entitlement Plan Amendment No. 10-003 represents a request to amend Condition of Approval No. 1 of Conditional Use Permit (CUP) No. 00-15(R) by increasing the number of approved portable vending carts from 6 to 14 (Attachment Nos. 2 & 4). CUP 00-15(R) permitted five outdoor vending carts on public property adjacent to the Main Street landscape planters and one additional cart within the rotunda gallery/lobby area of Plaza Almeria (Attachment No. 5).

Vending carts and kiosks are regulated pursuant to Section 230.94, Carts and Kiosks, Huntington Beach Zoning and Subdivision Ordinance (Attachment No. 10). The proposal includes 13 outdoor carts, located in the public right-of-way fronting Olive Avenue, Main Street, and Orange Avenue; and 1 indoor cart, located within the rotunda gallery/lobby area of Plaza Almeria. The carts will sell a variety of general merchandise and food products. Each cart is approximately four feet wide, eight feet long, and six feet high (excluding the canopy) and is proposed within a fixed location. The carts will be open during regular business hours (approximately 10:00 AM to 10:00 PM daily) and will be removed and stored within the parking structure when not used every day. Electricity and telephone connections will be provided via underground conduit for lighting, cash register and credit card operations. Each cart will be self-contained for water and power and refuse disposal will be accommodated by the existing trash enclosures/collection bins within the parking structure.

### **Study Session:**

The Planning Commission raised the following issues and questions at the study session on Tuesday, July 27, 2010:

- *Need to consider the cumulative impacts of carts along Main Street.*

The only other property on Main Street approved for vending carts is Pierside Pavilion (northeast corner of PCH and Main St.). In 2000, the property was approved for 18 vending carts (16 clustered within the site’s southeasterly located plaza area and two along PCH, none were approved along Main St.). In 2003, a request was denied by the Zoning Administrator to locate two additional carts along PCH based on interference with pedestrian circulation and visual clutter. On June 16, 2010 the Zoning Administrator considered a request to locate six carts along Main St., six carts along PCH and the remaining six carts within the plaza area fronting PCH. The Zoning Administrator conditionally approved the request to include only two carts along Main Street, four along PCH and the remaining 12 within the plaza area. On June 24, 2010 the applicant appealed the Zoning Administrator’s decision to the Planning Commission. The public hearing for the appeal is scheduled for the September 28, 2010 Planning Commission meeting.

- *Need to consider impacts to existing retailers.*

Several comments were received that discuss economic, safety, and aesthetic impacts to existing retailers. See discussion under Other Department Concerns and Requirements, Public Notification, and Analysis below.

- *Are there concerns/comments from the Downtown Business Improvement District (BID) and Police Department?*

Staff received comments from the Police Department on September 2, 2010 and comments from the BID on September 3, 2010 (Attachment Nos. 9 & 7). Also, see discussion under Other Department Concerns and Requirements, Public Notification, and Analysis below.

## **ISSUES:**

### **Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	MV-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-specific plan-pedestrian overlay)	DTSP – 5 – CZ (Downtown Specific Plan – District 5 – Coastal Zone)	Plaza Almeria Mixed Use Project
North of Subject Property (across Orange Avenue)	MV-F6/25-sp-pd	DTSP – 5 – CZ	Residential (Townsquare Condominiums)
East of Subject Property (across Main Street)	MV-F6/25-sp-pd	DTSP – 5 – CZ	Commercial (Retail & US Post Office)
South of Subject Property (across Olive Avenue)	MV-F6/25-sp-pd	DTSP – 5 – CZ	Commercial (Team Design Mixed-Use Building & Surf Museum)
West of Subject Property (across 5 <sup>th</sup> Street):	MV-F6/25-sp-pd	DTSP – 5 – CZ	Commercial & Residential

### **General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is MV-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-Specific Plan Overlay-Pedestrian Overlay). The proposed project is consistent with this designation and the goals, objectives, and policies of the City's General Plan as follows:

#### **A. Land Use Element**

*Goal LU1:* Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

*Objective LU7.1:* Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

*Goal LU11:* Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks in consideration of the guidelines noted in the general plan.

B. Economic Development Element

Objective ED1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Policy ED3.2.2: Encourage mixed use (retail/office/residential) structures in the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

The Plaza Almeria mixed use project is located in the Downtown area of Huntington Beach. The design of the building with its retail uses facing Main Street and Olive Avenue was originally designed to encourage pedestrian activity from the pier and Pacific Coast Highway to progress further north on Main Street. A key component to expanding pedestrian activity in a downtown beach community is the provision of a mix of open-air commercial uses including carts and kiosks. As conditioned, the portable vending carts provide adequate pedestrian passage (10 ft.) which is consistent with other cart and kiosk locations in the Downtown. This request to increase the number of vending carts contributes to the project's effectiveness in meeting the goals, objectives and policies of the General Plan.

Zoning Compliance:

This project is located in the Downtown Specific Plan – District 5 – Coastal Zone and complies with the requirements of that zone. The proposed portable vending carts also comply with Section 230.94, Carts and Kiosks, which establishes design and locational criteria.

Urban Design Guidelines Conformance:

The City's Design Guidelines encourages pedestrian-oriented, attractive, inviting, imaginative and functional site arrangement of buildings and sidewalk amenities including carts and kiosks. In addition, accessory elements such as carts and kiosks should be compatible with the architectural style of the project and primary buildings. As conditioned, the vending carts will encourage pedestrian activity while providing for adequate spacing to allow for pedestrian movement and maintenance of views. The design of the carts was approved as part of CUP 00-15(R) and requires that each portable vending cart to be compatible and complementary to the established building colors of off-white, forest green, burgundy, and navy or cobalt blue (similar colors found in the existing building).

Environmental Status:

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

### **Coastal Status:**

The proposed project is within a non-appealable area of the Coastal Zone. Plaza Almeria, a mixed-use retail, restaurant, office and residential building, was previously approved under Coastal Development Permit No. 90-30 (Revised) by the City Council on April 7, 1997. Because the portable vending carts are already provided with parking under the original entitlement and the use is considered ancillary to the primary uses onsite, this request is not considered an intensification of use and therefore, is covered under the previous coastal development permit.

### **Redevelopment Status:**

The project is located in the Huntington Beach Redevelopment Project, Main-Pier subarea. The Economic Development Department has reviewed the request and recommends eliminating existing Condition of Approval No. 2.g of CUP 00-15(R) and replacing it with suggested condition of approval No. 3 that states, "Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell any other merchandise of similar nature as the above mentioned items with approval from the Director of Planning and Building." This is recommended to ensure that for sale merchandise is complementary to the existing in-line businesses within Plaza Almeria.

### **Design Review Board:**

The Design Review Board (DRB) reviewed the original proposed project design (Attachment No. 3) at their meeting on July 29, 2010, and recommended approval with recommended modifications (Attachment No. 6). The DRB expressed concerns related to: impacts to existing sidewalk amenities (i.e. pedestrian benches, trash receptacles, and bicycle racks); visual obstruction to existing ground floor commercial businesses; and appropriate pedestrian queue space around each cart. Accordingly, the applicant agreed to provide a revised site plan that correctly depicts all permanent public right-of-way amenities (existing to remain and relocated); ensure that pedestrian benches and trash receptacles remain along Main Street; provides a minimum 4 ft. customer queuing area around each cart; and removes two vending carts on Main Street, two carts on Orange Avenue, and one cart on Olive Avenue. As a result, the applicant submitted a revised site plan on August 16, 2010 (Attachment No. 2). Staff supports the DRB's recommendation with additional recommended modifications as discussed in this report.

**Subdivision Committee:** Not applicable.

### **Other Departments Concerns and Requirements:**

The Departments of Planning & Building, Economic Development, Community Services, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements. The Code Requirements letter was transmitted on July 13, 2010, and is attached for informational purposes (Attachment No. 8). The Department of Economic Development recommends replacing existing Condition of Approval No. 2.g of CUP 00-15(R) with a new condition to ensure that for sale merchandise is complementary to the existing in-line businesses within Plaza Almeria (see Redevelopment Status above). The Department of Public Works recommends a minimum 10 ft. wide clear path of travel to be maintained along the public sidewalk adjacent to the portable vending carts and kiosks. In addition to the 10 ft. clear path of travel suggested condition, Planning recommends a minimum 4 ft. customer queuing area around each portable vending cart which is consistent with recent

cart and kiosk approvals. The Police Department recommends spacing between each cart that is equal to or greater than the length of the proposed vending cart (8 ft.) to allow for adequate visibility through the carts to existing storefronts (Attachment No. 9). The 8 ft. spacing between vending carts is consistent with existing Condition of Approval No. 2.a of CUP 00-15(R). Lastly, the property owner has previously entered into a License and Maintenance Agreement with the City of Huntington Beach for use of public property surrounding the entire project. If the request to amend the entitlement for portable vending carts is approved, the Agreement will require amendments to reflect the expanded use of public property.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on July 29, 2010, and notices were sent to property owners of record (*and tenants*) within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), tenants at the commercial center, applicant, and interested parties. A more recent public notice was not required because a request for a continuance to a date certain (September 14, 2010) was granted by the Planning Commission on August 10, 2010. As of September 3, 2010, staff has received 4 written comments in opposition to the request (Attachment No. 9) and several phone calls in opposition.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

June 30, 2010

**MANDATORY PROCESSING DATE(S):**

October 19, 2010 (includes 60-day extension)

Entitlement Plan Amendment No. 10-003 was filed on March 31, 2010, supplemented on June 2, 2010, and deemed complete on June 30, 2010. On August 10, 2010, the Planning Commission approved the applicant's request for a continuance to the September 14, 2010 Planning Commission meeting to allow additional time to respond to staff and DRB comments and recommendations.

**ANALYSIS:**

The primary issues to consider when analyzing this request are compliance with the General Plan's Pedestrian Zone Overlay including compatibility with adjacent uses, maintenance of adequate physical and visual access to the area; and compliance with the established zoning regulations for portable vending carts and kiosks within the Downtown.

**Land Use Compatibility**

As conditioned, the request to increase the number of portable vending carts from 6 to 14 is compatible with the existing retail, restaurant, outdoor dining and residential uses nearby. The existing uses and portable vending carts all combine to create a unique pedestrian oriented atmosphere. Staff believes that open air commercial activities at the northern end of the downtown core are important to help implement the pedestrian walking village envisioned in the Downtown Specific Plan. Restaurants, outdoor dining, and outdoor seating already exist in this section of Main Street and the proposed increase of portable vending carts will be compatible with other retail and restaurant uses located across the street. Staff believes that the project as conditioned will be compatible with the other retail and residential uses on site and with the surrounding retail and residential uses in the neighborhood.

### ***Development Code Regulations***

The proposed project is required to comply with the development regulations for carts and kiosks established in the HBZSO. Specifically, the regulations dictate location and design criteria, factors for decision makers to consider when acting on the request, describe operating requirements, and establish provisions for review and revocation of the use. Although no specific sidewalk or pedestrian corridor width is established in the code for portable vending carts, the regulations do state that the carts shall not obstruct or impede access to parked vehicles, other businesses, or interfere with existing street furniture.

As requested by the Planning Commission and DRB, the applicant's revised site plan includes sidewalk amenities such as: lights, landscape planters, pedestrian benches, bicycle racks, outdoor dining patios, trash receptacles and proposed location of vending carts. The revised site plan depicts a pedestrian corridor that varies in width from eight feet at the narrowest point to a maximum of 14 feet. Therefore, the proposed sidewalk area is consistent with or exceeds the minimum eight foot width required for outdoor dining, access for emergency personnel and disabled persons within this block. Although, staff recommends a minimum of 10 ft. width be provided within pedestrian corridor areas when adjacent to a vending cart. This will assist in maintaining public view corridors and ensuring adequate pedestrian movement.

One concern raised by the DRB was ensuring a design that allows patrons to wait in line at a cart without obstructing the pedestrian clear path of travel. Staff believes the applicant has partially addressed this concern by angling the carts so that waiting and shopping can occur around each cart without encroaching into the clear sidewalk area. Despite the revised plans, the DRB's recommendation for a four foot customer queuing area around each cart which is consistent with the existing Condition of Approval No. 2a of CUP No. 00-15R to ensure a minimum eight foot separation between carts is still necessary (Attachment No. 5). This was required to ensure adequate space for the cart employees and customers to stand between the cart and the adjacent landscape planter or other sidewalk amenities without encroaching into the clear pedestrian passage way. In addition, the Police Department has reviewed the current site plan and recommends a minimum 8 ft. (or more) separation between vending carts to ensure adequate visibility of storefronts on the west elevation of Plaza Almeria. Staff supports the plan provided that the minimum 8 foot separation requirement between carts is maintained. The current site plan depicts a 5 ft. separation between vending carts. Adherence to the existing 8 ft. separation requirement will result in fewer carts.

Instead of listing a required parking ratio for portable vending carts, the zoning code leaves the discretion for appropriate parking up to the decision makers. Staff believes that adequate parking exists within the on-site parking structure for existing uses and proposed vending carts. The original project provided 177 commercial parking spaces in a subterranean parking structure for up to 15,000 sq. ft. of retail, 15,000 sq. ft. of restaurant, and 11,000 sq. ft. of office. A Master Plan (CUP 00-15) for restaurant uses, alcohol service, and outdoor dining permitted a maximum of 14,849 sq. ft. for restaurants and outdoor seating, thus the project currently meets parking requirements for restaurants with a small surplus of two spaces. In addition, an office use is located within a suite originally calculated at a higher retail parking ratio than is necessary for an office use. Therefore, a surplus of commercial parking exists based upon the existing mix of uses.



**SUMMARY:**

Staff recommends approval of the proposed vending carts based on the following reasons:

- The proposed use is consistent with the zoning code and General Plan Land Use and Economic Development Elements which encourage visitor-serving uses in the Downtown area.
- The Downtown Specific Plan promotes outdoor uses to foster pedestrian activity.
- Complies with carts and kiosks development standards.
- As conditioned, provides adequate pedestrian corridors between outdoor dining, sidewalk amenities, and portable vending carts.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – EPA No. 10-003
2. Site plan received August 16, 2010 (Current Proposal)
3. Site plan received June 2, 2010
4. Project Narrative received August 16, 2010
5. Planning Commission Notice of Action dated October 26, 2000 – CUP No. 00-15(R)
6. Design Review Board Notice of Action dated July 30, 2010 – DR No. 10-025
7. Public Comments
8. Code Requirements Letter dated July 13, 2010 (for informational purposes only)
9. Police Department comments dated September 2, 2010
10. HBZSO Chapter 230.94 – Carts and Kiosks

SH:HF:EE:jr

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **ENTITLEMENT PLAN AMENDMENT NO. 10-003**

#### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

#### **SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 10-003:**

1. Entitlement Plan Amendment No. 10-003 for the establishment, maintenance and operation of 13 outdoor and one indoor portable vending carts will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Based upon the conditions imposed, adequate pedestrian passage area will be provided. The project has been evaluated for compatibility with the surrounding neighborhood. The portable vending carts will provide additional open air commercial amenities, are designed on a pedestrian scale and character, and will meet the goals, objectives, and policies of the General Plan.
2. The entitlement plan amendment will be compatible with surrounding uses because the ancillary operation of portable vending carts and kiosks is consistent with the zoning and General Plan designations and does not represent a significant change from the existing mix of uses. The site currently includes carts and kiosks and the entitlement plan amendment will allow for the expansion of this ancillary use. With the conditions of approval, the portable vending carts will provide adequate pedestrian passage areas and will enhance the pedestrian character and scale of the street scene surrounding the project.
3. The 13 outdoor and one indoor portable vending carts will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. As conditioned, the project complies with all aspects of the SP5 (Downtown Specific Plan) and HBZSO including parking, onsite circulation, setbacks, carts and kiosks standards.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-Specific Plan Overlay-Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals, objectives and policies of the General Plan:

A. Land Use Element

Goal LU1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Objective LU7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

Goal LU11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU15.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks in consideration of the guidelines noted in the general plan.

B. Economic Development Element

Objective ED1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Policy ED3.2.2: Encourage mixed use (retail/office/residential) structures in the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

The Plaza Almeria mixed use project is located in the Downtown area of Huntington Beach. The design of the building with its retail uses facing Main Street and Olive Avenue was originally designed to encourage pedestrian activity from the pier and Pacific Coast Highway to progress further north on Main Street. A key component to expanding pedestrian activity in a downtown beach community is the provision of a mix of open-air commercial uses including carts and kiosks. As conditioned, the portable vending carts provide adequate pedestrian passage (10 ft.) which is consistent with other cart and kiosk locations in the Downtown. This request to increase the number of vending carts contributes to the project's effectiveness in meeting the goals, objectives and policies of the General Plan.

**SUGGESTED CONDITIONS OF APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 10-003:**

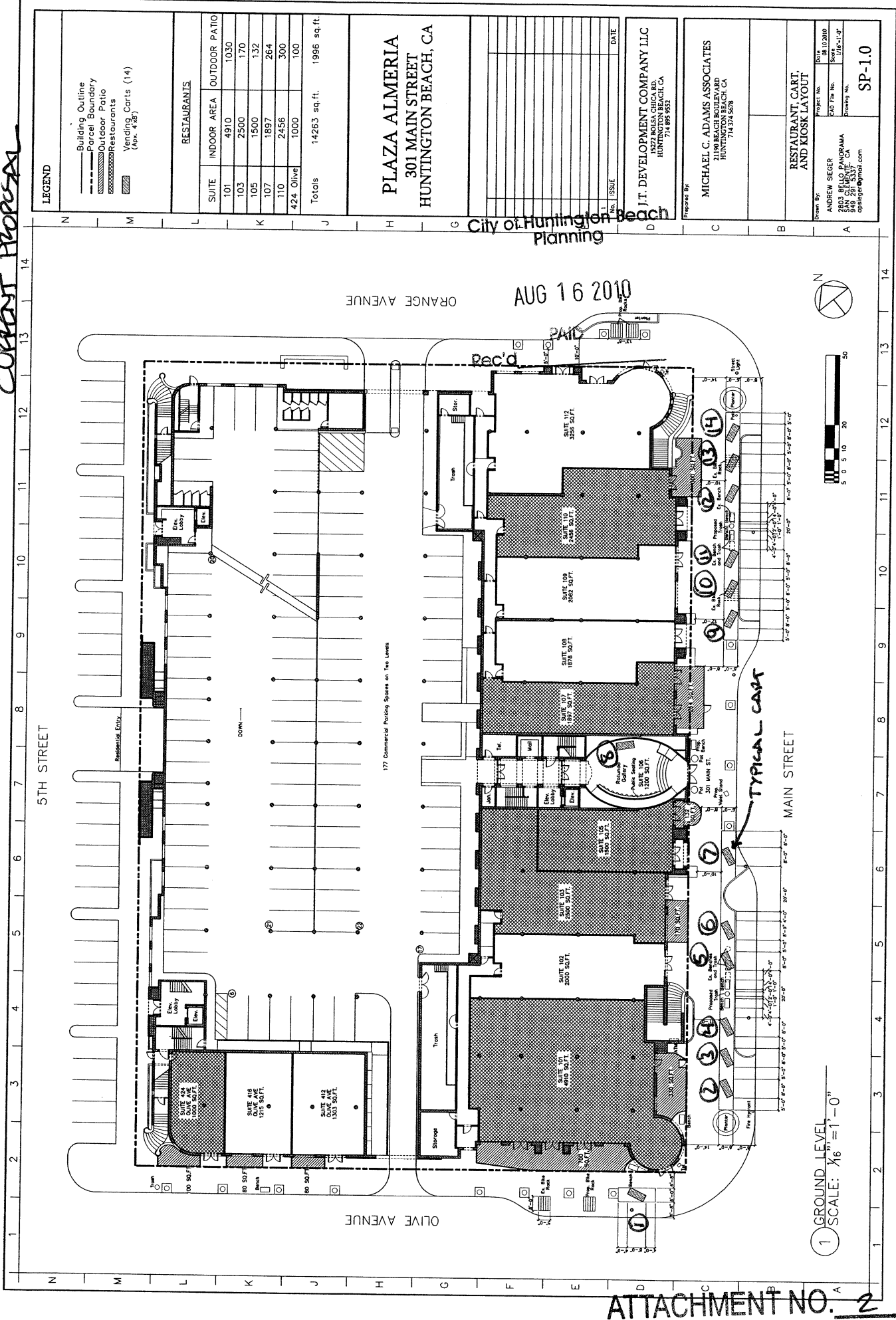
1. The site plan and floor plans received and dated August 16, 2010, shall be the conceptually approved design with the following modifications:
  - a. Depict a minimum eight foot wide separation between portable vending carts.
  - b. Pedestrian benches and trash receptacles shall remain along Main Street. **(DRB)**
  - c. Depict a minimum 4 ft. customer queuing area around each cart. **(DRB)**

- d. A minimum 10 ft. wide clear path of travel shall be maintained along the public sidewalk adjacent to the portable vending carts. **(PW)**
2. Prior to operation of the carts & kiosks:
  - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
  - b. An amended License Agreement, including use fees, shall be obtained from the City for portable vending carts located on public property. The applicant shall apply for an obtain approval of the license agreement from the Public Works Department prior to improvements or use of public property. The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the Planning Commission that one or more of the conditions or provisions of Section 4.2.33 or that one or more of the items listed under the Findings for Approval in this document, have been violated. Termination of a License Agreement shall nullify the conditional use permit. **(PW)**
3. Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell any other merchandise of similar nature as the above mentioned items with approval from the Director of Planning and Building. **(ED)**
4. All conditions of approval required under Conditional Use Permit No. 00-015(R), with exception of Condition of Approval No. 2(b, g, & m), shall remain valid.
5. EPA No. 10-003 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

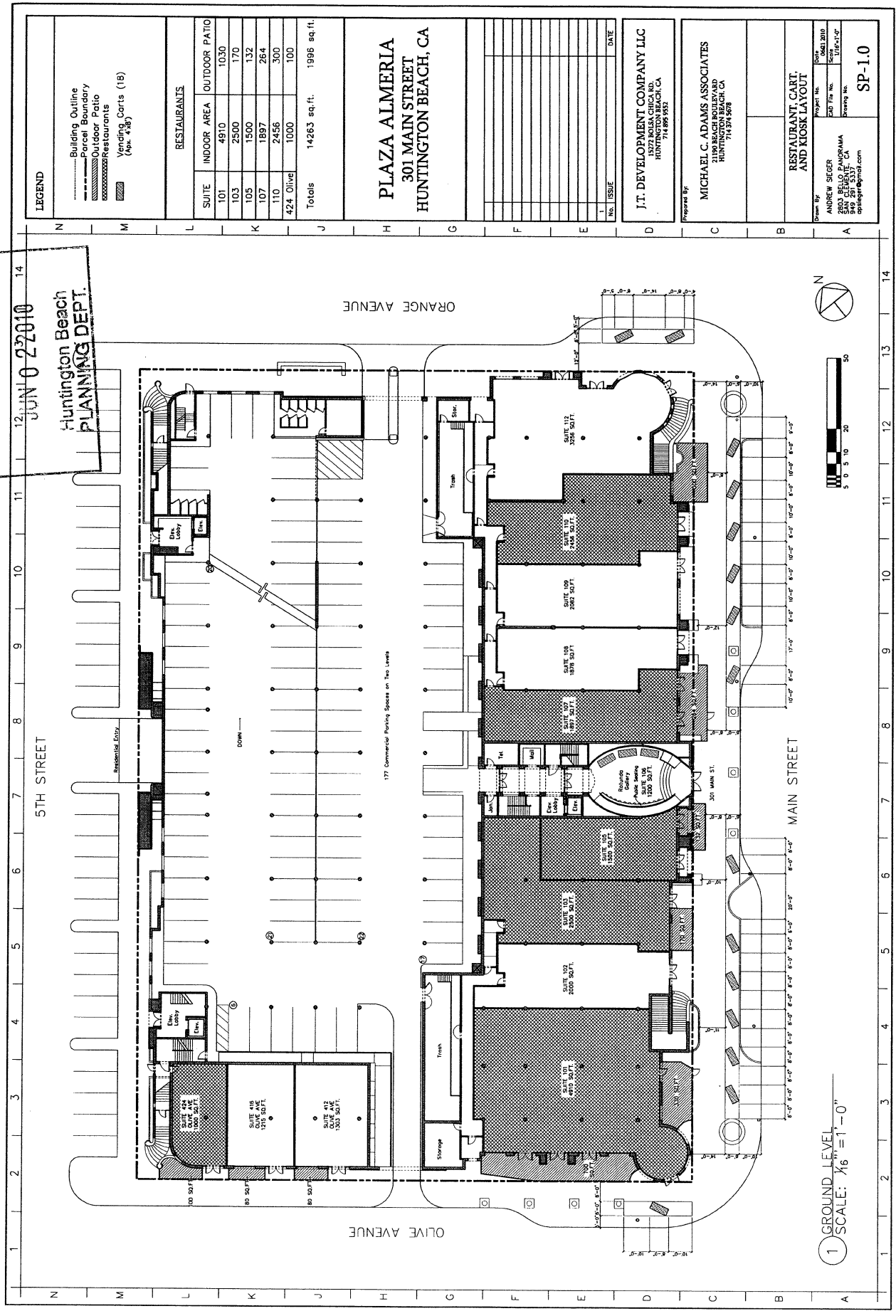
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

CURRENT PROPOSAL



RECEIVED

12 JUN 02 2010  
Huntington Beach  
PLANNING DEPT.



# MICHAEL C. ADAMS ASSOCIATES

August 10, 2010

Ethan Edwards, Associate Planner  
Planning Department  
City of Huntington Beach  
2000 Main Street  
Huntington Beach, CA 92648

Re: Plaza Almeria Vending Cart Expansion Revised Request

Dear Ethan:

In response to the staff comments and the Design Review Board recommendations, we have revised our proposal for the Entitlement Plan Amendment to expand the Plaza Almeria outdoor vending carts program.

Enclosed is a revised Narrative and twelve sets of plans. If you have any questions or concerns please contact our office.

Sincerely,

  
Mike Adams

cc: John Tillotson

City of Huntington Beach  
Planning

AUG 16 2010

PAID

Rec'd \_\_\_\_\_

P. O. Box 382, Huntington Beach, CA 92648-0382  
(714) 374-5678 Fax (714) 374-2211  
e-mail: [AdamsAssoc@socal.rr.com](mailto:AdamsAssoc@socal.rr.com)

ATTACHMENT NO. 4.1

**REVISED  
NARRATIVE  
(8/10/2010)**

**PLAZA ALMERIA  
Entitlement Plan Amendment  
Conditional Use Permit No. 00-15**

Location:

301 Main Street (Full block bounded by Main Street, Olive Avenue, Fifth Street & Orange Avenue)

Request:

To increase the number of vending carts from 6, plus an alternative to 14. One new cart on Olive Avenue and seven carts along Main Street, to add to the previously approved four carts on Main Street and one cart in the Rotunda (Suite 106). The proposed carts along with the existing carts shall provide an adequate separation and maintain an eight (8) foot clear sidewalk area. The vending carts are proposed to be a mix of merchandise and food products. The carts will be designed in an aesthetic manner (apx. 4' x 8') and will add significant interest and variety to the downtown street scene. The carts are intended to be permanent installation, although portable in design.

Project Description:

The carts will be placed in designated areas at fixed locations and open during regular business hours (apx. 10 am to 10 pm) on a daily basis. The carts will not be removed daily, however they will be stored within the parking structure when not in use for an extended period of time. Electric and telephone connections will be available for each cart to enable cash register and credit card operations and provide for lighting. The outdoor carts will be located within the public right-of-way (subject to the existing Parkway License Agreement with the City).

The Plans submitted designate areas for the described outdoor activities. The actual usage and final configuration of the outdoor designated areas may change but will not exceed the areas identified in the plans. The cart designs may vary from the typical carts currently in use. Design, material and color guidelines will be presented in a Master Plan for Outdoor Sales booklet to the City for review and approval.

Site History:

Plaza Almeria was one to the first Redevelopment Projects in downtown Huntington Beach. The project was approved in 1997 with Conditional Use Permit No. 90-39(R) and Coastal Development Permit 90-30 (R). The project was approved for 15,000 sq. ft. of retail, 15,000 sq. ft. of restaurant, 11,000 sq. ft. of office and includes 42 residential units.

Outdoor dining and vending carts were approved with Conditional Use Permit No. 00.15. The proposed amended Entitlements for outdoor sales activities will replace the plan approved with C.U.P. No 00-15.

City of Huntington Beach  
Planning

AUG 16 2010

PAID

Rec'd \_\_\_\_\_

ATTACHMENT NO. 4.2



Parking:

Commercial parking is provided on two levels, behind the commercial suites, consisting of 177 parking spaces.

Original parking approval was:

Retail @1/250 -	15,000 sf. =	60 sp
Restaurant @1/150 -	15,000 sf. =	100 sp
Office @1/1000 -	11,000 sf. =	<u>11 sp</u>
Total =		171 sp

Current Uses:

Retail @1/250 -	12,934 sf. =	52 sp
Restaurant @1/150 -	14,263 sf. =	95 sp
Office @1/1000 -	10,390 sf. =	<u>11 sp</u>
Total =		158 sp

The total parking requirement of the existing and requested use is 158 parking spaces, based on the parking requirements at the time of project construction, since the tenant mix of the project is basically the same as entitled, a surplus of 19 parking spaces, exists. A shared parking analysis, for the project would indicate a greater surplus.

Surrounding Uses:

North-General Commercial/Multifamily Residential  
East-Visitor Serving Commercial  
South- Visitor Serving Commercial  
West-Mixed-Use Commercial with Residential

Environmental Status:

There are no significant environmental impacts associated with this project. The project site is not within a known hazardous waste and substance site.

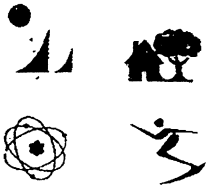
Land Use Compatibility:

The proposed project is compatible with existing businesses and multi-family housing in the area for the following reasons: The proposed activity will not generate any unusual noise. Any noise generated will comply with the standards set forth in the noise ordinance of the City's municipal code. Hours of operation will be limited to avoid late night conflicts with adjacent residential uses.

City of Huntington Beach  
Planning

AUG 16 2010

REC'D \_\_\_\_\_



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

Phone 536-5271  
Fax 374-1540  
374-1648

### NOTICE OF ACTION

October 26, 2000

Michael C. Adams  
JT Development Co., LLC  
15272 Bolsa Chica Road  
Huntington Beach CA 92649

**SUBJECT:** CONDITIONAL USE PERMIT NO. 00-15(R) (PLAZA ALMERIA VENDING CARTS)

**APPLICANT/  
PROPERTY**

**OWNER:** Michael C. Adams, JT Development Co., LLC, 15272 Bolsa Chica Road, Huntington Beach CA 92649

**REQUEST:** To allow five (5) outdoor portable vending carts within the public right-of-way along Main Street and one cart within the main gallery (lobby) at Plaza Almeria.

**LOCATION:** 301 Main Street (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue)

**DATE OF  
ACTION:** October 24, 2000

Your application was acted upon by the Planning Commission of the City of Huntington Beach on October 24, 2000, and your request was **conditionally approved**. Attached to this letter are Findings and modified Conditions of Approval.

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal; it shall also be accompanied by a filing fee. The appeal fee is \$1,490.00.

In your case, the last day for filing an appeal and pay the filing fee is November 3, 2000.

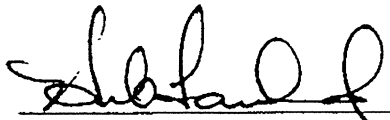
ATTACHMENT NO. 5.1

If there are any further questions, please contact Jane James, Associate Planner at (714) 536-5596.

Sincerely,

Howard Zelefsky, Secretary  
PLANNING COMMISSION

By:

  
Herb Fauland, Senior Planner

HF:JJ:rl

c: Jane James, Associate Planner

Attachment:

1. Findings and Conditions of Approval

ATTACHMENT NO. 5.7

## **FINDINGS AND CONDITIONS OF APPROVAL**

### **CONDITIONAL USE PERMIT NO. 00-15 (R)**

#### **FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 of the CEQA Guidelines, because maintenance and operation of an existing structure is exempt from further review and no adverse environmental impacts are anticipated.

#### **FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 00-15 (R):**

1. Conditional Use Permit No. 00-15 (R) for the establishment, maintenance and operation of five outdoor and one indoor portable vending carts will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Based upon the conditions imposed, adequate pedestrian passage area will be provided. The project has been evaluated for compatibility with the surrounding neighborhood. The portable vending carts will provide additional open air commercial amenities, are designed on a pedestrian scale and character, will provide sufficient parking to serve the uses on site, and will meet the goals and policies of several elements of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the exterior is designed with a Spanish Village/Mediterranean theme, which is compatible with the Downtown Design Guidelines. With the conditions of approval imposed the portable vending carts will provide adequate pedestrian passage areas and will enhance the pedestrian character and scale of the street scene surrounding the project.
3. The five outdoor and one indoor portable vending carts will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In particular, the site plan depicts compliance with location, design, and maximum size criteria.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F6/25-sp-pd (Mixed Use Vertical-2.0 FAR/25 du/acre-Specific Plan Overlay-Pedestrian Overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

ATTACHMENT NO. 5.3

A. Land Use Element

Goal LUI: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Objective LU7.1: Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, educational, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic "relief" from urban development.

Goal LUI1: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

B. Economic Development Element

Objective ED1.1: Enhance the City's market potential in terms of retail, office, industrial, and visitor serving activity. This would allow Huntington Beach to provide for retail, office, and industrial opportunities that serve the current and projected population and enhance sales and occupancy tax revenue.

Policy ED3.2.2: Encourage mixed use (retail/office/residential) structures in the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

Policy LUI5.2.2: Require that structures located in the pedestrian overlay zone be sited and designed to enhance pedestrian activity along the sidewalks in consideration of the guidelines noted in the general plan.

The Plaza Almeria mixed use project is located in the Downtown area of Huntington Beach. The design of the building with its retail uses facing Main Street and Olive Avenue was originally designed to encourage pedestrian activity from the pier and PCH to progress further up Main Street. A key component to expanding the pedestrian activity in a downtown beach community is the provision of open air commercial activities and additional outdoor sidewalk uses. This request for portable vending carts contributes to the project's effectiveness in meeting the goals and objectives of the General Plan.

ATTACHMENT NO. 5.4

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 00-15 (R):**

1. The site plan and cart elevations received and dated September 13, 2000 shall be the conceptually approved layout with the following modifications:
  - a. A price list (to determine proper size and location) for each portable vending cart business shall be provided for review and approval by the Planning Director. **(Code Requirement)**
2. The use shall comply with the following:
  - a. A minimum eight foot wide separation shall be maintained between portable vending carts.
  - b. A minimum eight foot wide pedestrian corridor shall be maintained between the portable vending carts and other adjacent outdoor uses.
  - c. Each portable vending cart shall be compatible and complementary to the established building colors of off-white, forest green, burgundy, and navy or cobalt blue (awnings and accent tiles).
  - d. During hours of operation, the portable vending carts must remain in the locations specified on the approved site plan. All vending carts shall be removed from the sidewalk area and stored within the building or the parking structure when not in use. **(Code Requirement)**
  - e. The outdoor dining and cart operators shall not sell to or solicit from motorists or persons in vehicles. **(Code Requirement)**
  - f. The sale of alcoholic beverages from vending carts shall be prohibited. **(Code Requirement)**
  - g. Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell any other merchandise of a similar nature as the above mentioned items.
  - h. The number of employees at a portable vending cart shall be limited to a maximum of two persons at any one time. **(Code Requirement)**
  - i. Fire extinguishers may be required at the discretion of the Fire Department. **(Code Requirement)**
  - j. All portable vending carts shall be self contained for water, waste, and power to operate. There shall be no overhead or exposed power/utility lines crossing the sidewalk. The applicant shall obtain all electrical and/or encroachment permits if necessary to relocate or install new underground conduit lines. **(Code Requirement)**
  - k. All portable vending cart operators shall dispose of business related waste in the designated refuse receptacles provided within the Plaza Almeria parking structure. **(Code Requirement)**
  - l. Each portable vending cart operator shall obtain a Business License prior to operation. **(Code Requirement)**

ATTACHMENT NO. 5.5

- m. An amended License Agreement, including use fees, shall be obtained from the City for portable vending carts located on public property. The applicant shall apply for and obtain approval of the license agreement from the Public Works Department prior to improvements or use of public property. The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the Planning Commission that one or more of the conditions or provisions of Section 4.2.33 or that one or more of the items listed under the Findings for Approval in this document, have been violated. Termination of a License Agreement shall nullify the conditional use permit.
  - n. The applicant shall provide an updated public liability insurance policy as specified in all current insurance resolutions prior to installing improvements or using public property. Such liability insurance shall be provided in a form acceptable to the City Attorney. The policy shall name the City of Huntington Beach as an additional insured and shall be maintained at all times.
  - o. All other conditions of approval of Conditional Use Permit No. 90-39 (R) and Coastal Development Permit No. 90-30 (R), which established 15,000 square feet of restaurant space at this location, as well as Conditional Use Permit No. 00-15, which approved a master plan for restaurants, outdoor dining, and alcohol service, shall be adhered to.
3. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the HBZSO.

#### **INFORMATION ON SPECIFIC CODE REQUIREMENTS:**

- 1. Conditional Use Permit No. 00-15 (R) shall not become effective until the ten calendar day appeal period has elapsed.
- 2. Conditional Use Permit No. 00-15 (R) shall become null and void unless exercised within one year of the date of final approval which is June 13, 2000 or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
- 3. The Planning Department shall conduct a review of the vending cart operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of Section 230.94, HBZSO or Conditional Use Permit No. 00-15 (R), a public hearing shall be scheduled before the Zoning Administrator for revocation pursuant to Section 241.16 and 249.06.
- 4. The development shall comply with all applicable provisions of the Municipal Code, Building Division, and Fire Department as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.

ATTACHMENT NO. 5.6

5. The applicant shall submit a check in the amount of \$38.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's action.
6. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
7. All signs shall conform to the HBZSO. Prior to installing any new signs, or changing sign faces, a building permit shall be obtained from the Planning Department.
8. An encroachment permit shall be required for all work within the right-of-way. (PW)

ATTACHMENT NO. 5.7





# CITY OF HUNTINGTON BEACH

2000 MAIN STREET

CALIFORNIA 92648

## DESIGN REVIEW BOARD

Phone 536-5271  
Fax 374-1540  
374-1648

### NOTICE OF ACTION

July 30, 2010

Michael C. Adams  
Michael C. Adams Associates  
P.O. Box 382  
Huntington Beach CA 92648

**APPLICATION:** DESIGN REVIEW NO. 2010-025 (PLAZA ALMERIA VENDING CARTS)

**APPLICANT:** Michael C. Adams, Michael C. Adams Associates, P.O. Box 382, Huntington Beach CA 92648

**PROPERTY OWNER:** John Tillotson, J.T. Development, 15272 Bolsa Chica Street, Huntington Beach, CA 92649

**REQUEST:** Review the design, colors, and materials of 15 outdoor carts, located in the public right-of-way fronting Olive Avenue, Main Street, and Orange Avenue; and 3 indoor carts, located within the rotunda gallery/lobby area of Plaza Almeria.

**LOCATION:** 301 Main Street, 92648 (full block bounded by Main Street, Olive Avenue, Fifth Street, and Orange Avenue – Plaza Almeria)

**DATE OF ACATION:** July 29, 2010

The Design Review Board of the City of Huntington Beach took action on your application on **July 29, 2010**, and your application was recommended for **approval** to the Planning Commission. Attached to this letter are the recommended conditions of approval for your application.

Please be advised that the Design Review Board reviews the conceptual plan as a basic request for entitlement and forwards any recommendations to the Planning Commission. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements. Please note that there may be additional requirements prior to commencement of the project.

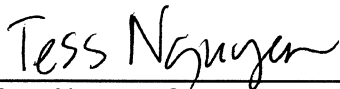
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Design Review Board is only a recommendation and is not appealable. The

ATTACHMENT NO. 6.1

recommendations of the Design Review Board will be forwarded to the Planning Commission for consideration. You will be notified of the pending hearing date.

If you have any questions, please contact Ethan Edwards, Associate Planner at (714) 536-5561 or via email at [ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org) or the Planning and Building Department Zoning Counter at (714) 536-5271.

Sincerely,

  
\_\_\_\_\_  
Tess Nguyen, Secretary  
Design Review Board

TN:EE

**ATTACHMENT(S):**

Recommended Conditions of Approval: DR No. 2010-025

c: Herb Fauland, Planning Manager  
John Tillotson, J.T. Development, 15272 Bolsa Chica Street, Huntington Beach, CA 92649  
Project File

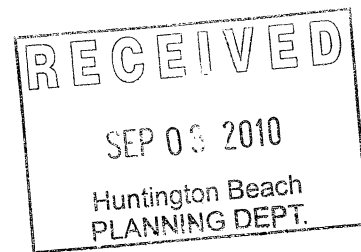
**ATTACHMENT NO. 1**

**RECOMMENDED CONDITIONS OF APPROVAL**

**DESIGN REVIEW NO. 2010-025**

**RECOMMENDED CONDITIONS OF APPROVAL – DESIGN REVIEW NO. 2010-025**

1. The site plan received and dated June 2, 2010, shall be the conceptually approved design with the following modifications:
  - a. Provide a revised plan that indicates all permanent public right-of-way amenities including, tree wells, bicycle racks, pedestrian benches, trash receptacles, etc.
  - b. Pedestrian benches and trash receptacles shall remain along Main Street.
  - c. Depict a minimum 4 ft. customer queuing area around each cart & kiosk.
  - d. Remove 2 vending carts on Main Street, 2 vending carts on Orange Avenue, and 1 cart on Olive Avenue.



## Huntington Beach Downtown Business Improvement District

315 3<sup>rd</sup> Street, Suite E  
Huntington Beach, CA 92648  
(714) 536-830; Fax: (714) 536-8383  
www.hbdowntown.com

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### MEMORANDUM

**Date:** September 1, 2010  
**To:** Planning Commission  
HB Economic Development  
**From:** HB Downtown BID Board of Directors  
**Subject:** Plaza Almeria Kiosks

The Plaza Almeria project is a lovely Mediterranean-inspired building with beautiful landscaping and provides a professional presentation for the retail, services, restaurants and residents located within the Plaza. The kiosks presently located in the area lend a pleasant ambience, as the kiosks are reminiscent of merchants of a past era.

Even though the current six (6) kiosks located in the Plaza Almeria may enhance the charm of the street scene, the addition of up to TWELVE (12) more will have a reverse effect. The BID Board (representing just under 300 local businesses) is very concerned about the possible addition of more kiosks in the Plaza Almeria area for the following reasons:

- **LACK OF VISIBILITY** -- Additional kiosks will further limit the visibility of retail stores, services and restaurants from passing motorists. These merchants pay prime retail rates for access to pedestrian and motor traffic, which would be limited by kiosk vendors that pay a fraction of the rent that the permanent merchants pay.
- **PEDESTRIAN FLOW** -- At times, the current queuing at the kiosks obstructs the pedestrian passage in some areas, especially during peak dinner hours where restaurant customers are also utilizing the space to wait for seating. Adding ANY additional kiosks would add to the current obstruction issues.
- **SEATING AREAS** -- Any additional kiosks will block the ability to utilize the benches and bike racks located near the landscaped planters. Both are already in short supply on Main Street.

- **IMAGE** -- The current kiosks at Plaza Almeria are not regulated in regards to professional looking displays and following of code requirements.
  - Several of the kiosk vendors do not stay within their boundaries as they add display racks which expand beyond their designated space.
  - According to Code Requirements, the kiosks are to be removed from the sidewalk and stored within the Plaza Almeria building when not in use. This is not being enforced as the kiosks are remaining in place, on the sidewalks, even when closed.
  - Some of the merchandise is displayed poorly, giving more of a swap-meet type appearance. The sunglass vendor's merchandise storage boxes are stacked haphazardly under the kiosk in plain view, which is not aesthetically pleasing.
- The proposed valet parking service will increase pedestrian traffic in the drop off and pick up area. Adding more kiosks will inhibit access to the valet queue and further congest the vicinity.

In closing, it is the opinion of HB Downtown BID Board of Directors that the addition of ANY additional kiosks will not improve the HB Downtown image that the BID or Economic Development has designed.

A few kiosks are an enhancement, but too many clutter the scene and changes the ambience from quaint to congested. This proposal seems to be nothing more than an income-generating decision, completely ignoring the negative impact it will have on the Downtown Businesses paying premium dollar for their prime location.

Celeste Hamil  
Marketing Consultant

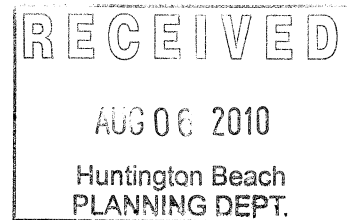
on behalf of the Huntington Beach Downtown Business Improvement District Board of Directors:

**Brett Barnes**, President (Duke's Huntington Beach)  
**Ron McLin**, Vice President (Longboard Restaurant and Pub)  
**Nicole Topor**, Treasurer (First Bank )  
**Lee Love**, Secretary (L3 Associates, Inc.)  
**Susie Smith**, Immediate Past President (Makin' Waves Salon)  
**Bill Cuppy**, Director (Altera Real Estate)  
**Paulette Fischer**, Director (Hilton Waterfront Beach Resort)  
**Craig Franz**, Director (Harley Davidson)  
**Bob Hoxsie**, Director (Magiamo Gelato Caffee)  
**Rob Kee**, Director (Enlarge Media)



**The Longboard Restaurant & Pub**  
**217 Main Street**  
**Huntington Beach, CA 92648**

Ph (714) 960-1896 Fax (714) 960-8447 Web Site: [www.longboardpub.com](http://www.longboardpub.com)



Huntington Beach Planning Commissioners  
H.B. Economic Development

Plaza Almeria Cart proposal,

I am very concerned about the gross addition of carts to the Plaza Almeria Development. I don't think it takes in the whole picture and overall improvement of the Downtown Huntington Beach.

1. The overall ambiance of flowing walkways, landscaping depicted in the New Downtown specific plans doesn't show a cluttering and blocking of open spaces with numerous carts & kiosk. I feel it will inhibit the movement for pedestrians.
2. The planners who approved initial drawings and plans envisioned one of our better projects for ambiance, open space, and design. They didn't plan on a row of kiosk covering the front of the building and open space.
3. The property owner has decided to fill his building with restaurants taking out retail space. Those restaurants need the view from the street to be successful on their busiest day. Blocking their frontage with carts will not lead to successful businesses.
4. The idea of kiosk is not great for downtown businesses in a seasonal and weekend destination. True, we need more retail to make Downtown Huntington Beach more successful every day of the week. Unfortunately kiosk tends to open only on the busiest days taking away sales from the true retailer. The retailers markets, provides signage, advertises to bring those customers to the downtown area on a daily basis paying large yearly rent. Our goal is to have strong healthy retailers year round seven days a week to attract mixed us customers. Kiosk takes away from our foundation of retailers precious sales.
5. We have few open flowing walkways and open spaces in the downtown. The Plaza Almeria design was approved and designed to fill this shortage. Please look now at the carts now in place. They tend to spread out and lay out extra product with little regard to the ambiance and frontage of the current businesses. There is little control of their daily set up to keep the ambiance, open space and walkways. What makes us think that more kiosks will be better?

We would like to continue to grow the downtown and improve, it as a community destination. I don't feel the kiosks are the proper method. The amounts already approve and agreed upon when built is enough.

Sincerely,

Ron McLin  
Downtown business man, resident, HBDBID Board, Restaurant Association

## Edwards, Ethan

---

**From:** Punongbayan, Nova  
**Sent:** Thursday, August 05, 2010 4:33 PM  
**To:** Edwards, Ethan; Fritzal, Kellee  
**Subject:** FW: Plaza Almeria Carts

First response from request:

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**From:** Nicole Topor [mailto:Nicole.Topor@fbol.com]  
**Sent:** Thursday, August 05, 2010 4:21 PM  
**To:** Punongbayan, Nova  
**Subject:** RE: Plaza Almeria Carts

My comment?? I'll keep it clean. It looks like Plaza Alvarado Street as it is. So to add an additional 15 carts????  
I don't believe it's fair to the businesses in the building to have all those carts out there blocking their store front as it is but to add 15 more??? Has anyone asked their opinion? I am sure Tilltson hasn't! In case you can't tell I am not a fan of the carts to begin with...sunglass cart..perfect example!

---

**From:** Punongbayan, Nova [mailto:nova@surfcity-hb.org]  
**Sent:** Thursday, August 05, 2010 4:09 PM  
**To:** brettdukes@aol.com; publongboa@aol.com; Nicole Topor; Lee Love-HB Ambassador; susie smith  
**Cc:** Celeste Hamil; Fritzal, Kellee  
**Subject:** FW: Plaza Almeria Carts

Hello,

At the request of the Planning Commission, please review and comment on the attached report regarding the kiosk expansion of Plaza Almeria. They wanted to obtain feedback from BID Board (Executive Board). I know it's a busy week, but please review and comment as soon as possible. Thanks in advance for your input.

---

**From:** Fritzal, Kellee  
**Sent:** Thursday, August 05, 2010 4:03 PM  
**To:** Punongbayan, Nova  
**Subject:** FW: Plaza Almeria Carts

---

**From:** Edwards, Ethan  
**Sent:** Wednesday, July 28, 2010 8:46 AM  
**To:** Fritzal, Kellee  
**Subject:** Plaza Almeria Carts

Hi Kellee,  
Please forward attachment to Downtown Bus. Assoc. for their review and comment. Thanks!

Ethan

Ethan Edwards, AICP, Associate Planner  
City of Huntington Beach  
Department of Planning and Building  
p. (714) 536-5561 f. (714) 374-1540  
[ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org)

## Edwards, Ethan

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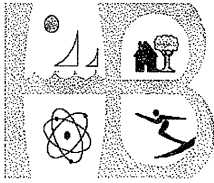
**From:** billc4re@earthlink.net  
**Sent:** Tuesday, July 06, 2010 11:10 AM  
**To:** Edwards, Ethan  
**Subject:** kiosks at plaza almeria

Hi Ethan, I am writing this note to let the city know that I oppose the idea of increasing the kiosk count at Plaza Almeria from 6 to 18. The 6 current kiosks are taking up a large area of the sidewalk in front of merchants that pay a very high rent to be on Main Street. The current sunglass vendor has two carts and utilizes the area between the carts and alongside to display additional racks of sunglasses and in effect has the approximate space of a small retailer that would spend appx \$3000 a month in rent at a severely reduced rate. This is not fair to the existing or future tenants in the area. I do not want kiosks in front of my office or blocking the entrance or view to my office. We need the public to have a professional view of the merchants and services available in the downtown area and filling the sidewalks with portable vendors does not perpetuate that view. It instead gives the perception of a discount market or swap meet. Please do not allow the kiosk count to increase until it has been proven that the existing kiosks can work within the rules established by the city and in harmony with the existing businesses in the downtown area. We are trying to improve the image of downtown and all of the businesses in the area have a responsibility to work to a common goal.

Thank you, Bill Cuppy

Bill Cuppy, Realtor  
DRE#01233220  
ALTERA Real Estate  
301 Main St. Suite #112  
Huntington Beach, CA 92648  
714-473-1118





# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING AND BUILDING

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

### Planning Division

714.536.5271

July 13, 2010

Michael Adams  
Michael C. Adams Associates  
P.O. Box 382  
Huntington Beach, CA 92648

### Building Division

714.536.5241

**SUBJECT: ENTITLEMENT PLAN AMENDMENT NO. 2010-003 (PLAZA ALMERIA CARTS) – 301 MAIN STREET – PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Adams:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 ([ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org)) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP  
Associate Planner

Enclosures (Project Implementation Code Requirements):

Jason Kwak, Building & Safety Department – 714-374-1538  
Louis Gomez, Economic Development – 714-536-5544  
Josh McDonald, Public Works – 714-536-5509

cc: Herb Fauland, Planning Manager  
Jason Kelly, Planning Department  
Property Owner – John Tillotson, J.T.  
Development, 15272 Bolsa Chica Road,  
Huntington Beach, CA 92649  
Project File

ATTACHMENT NO. 8.1



## HUNTINGTON BEACH ECONOMIC DEVELOPMENT DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** May 10, 2010  
**PROJECT NAME:** PLAZA ALMERIA CART EXPANSION  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 2010-015  
**ENTITLEMENTS:** ENTITLEMENT PERMIT AMENDMENT NO. 2010-003  
**DATE OF PLANS:** MARCH 30, 2010  
**PROJECT LOCATION:** 301 MAIN STREET (APN: 024-143-26)  
**PLAN REVIEWER:** LUIS GOMEZ, PROJECT MANAGER  
**TELEPHONE/E-MAIL:** 714) 536-5544/luis.gomez@surfcity-hb.org  
**PROJECT DESCRIPTION:** EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

---

Economic Development recommends that the proposed 12 semi-permanent kiosks carry merchandise that is complementary to the existing inline retailers.

### Recommended Conditions of Approval

Revise existing CUP 00-15 Condition 2. g. as follows:

Portable vending carts may sell general merchandise, flowers, pre-packaged food items, any other food items as permitted by the Orange County Health Care Agency. Portable vending carts may also sell other merchandise of a similar nature as the above mentioned items *with approval from the Planning Director.*

ATTACHMENT NO. 8.2



**CITY OF HUNTINGTON BEACH  
DEPARTMENT OF BUILDING & SAFETY  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** MAY 5, 2010  
**PROJECT NAME:** PLAZA ALMERIA CART EXPANSION  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 2010-015  
**ENTITLEMENTS:** ENTITLEMENT PERMIT AMENDMENT NO. 2010-003  
**DATE OF PLANS:** MARCH 30, 2010  
**PROJECT LOCATION:** 301 MAIN STREET (APN: 024-143-26)  
**PLAN REVIEWER:** JASON KWAK, PLAN CHECK ENGINEER  
**TELEPHONE/E-MAIL:** (714) 536-5278 / [jkwak@surfcity-hb.org](mailto:jkwak@surfcity-hb.org)  
**PROJECT DESCRIPTION:** EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

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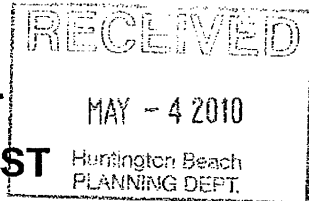
**I. SPECIAL CONDITIONS:**

1. None

**II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:**

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2007 California Building Code (CBC), 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.

**PLANNING DEPARTMENT  
DEVELOPMENT REVIEW REQUEST**



TO: Steve Bogart, Public Works  
Gerald Caraig, Building  
Chief Ken Small, Police

Darin Maresh, Fire  
Kellee Fritzall, Economic Development  
David Dominguez, Community Services

FROM: Ethan Edwards Ext: 5561

DATE: APRIL 21, 2010

☒ PC

☐ ZA

☐ DRB

☐ STAFF

PETITION(S): Planning Application No. 00-015: Entitlement Plan Amendment No. 10-003,

REQUEST(S): **EPA:** To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

LOCATION: 301 Main Street, Huntington Beach (APN: 024-143-26)

ZONE: Downtown Specific Plan (SP5 (district 3)-CZ)

GENERAL PLAN: Mixed Use Vertical (MV-F6/25-sp-pd)

EXISTING USE: Commercial (mixed-use – Plaza Almeria)

Please submit your concerns and recommended changes or conditions in writing on or before **May 5, 2010**.

**COMMENTS:** (Use attachments or back side of sheet if necessary)

RESPONSE BY: David Dominguez Extension 5309  
Attachments: 1. Plans 2. Narrative 3. Photos


*Community Services has no concerns or recommended changes since the proposed carts/kiosks will not impact parking meter operations in the downtown area.*



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** 5/5/10  
**PROJECT NAME:** PLAZA ALMERIA CART EXPANSION  
**ENTITLEMENTS:** EPA 10-03  
**PLNG APPLICATION NO:** 2010-0000  
**DATE OF PLANS:** 3/30/10  
**PROJECT LOCATION:** 301 MAIN STREET  
**PROJECT PLANNER:** ETHAN EDWARDS, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT   
**TELEPHONE/E-MAIL:** 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT THE AMENDMENT OF AN EXISTING CART & KIOSK ENTITLEMENT FROM 6 CARTS (WITH 1 ALTERNATE LOCATION) TO 18 CARTS.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

#### THE FOLLOWING REQUIREMENTS SHALL BE COMPLIED WITH FOR THE SUBJECT PERMIT:

1. Kiosks adjacent to street intersections shall conform to the 25-foot sight distance triangle per the City of Huntington Beach Zoning Code. Within the 25-foot visibility triangle, the maximum height permitted for objects that may block sight distance is 42 inches. (ZSO 230.88)
2. All portable vending carts shall be self-contained for water, waste and power to operate. There shall be no overhead or exposed power/utility lines crossing the sidewalk. The applicant shall

obtain all electrical and/or encroachment permits if necessary to relocate or install new under sidewalk conduit lines.


3. All portable vending cart operators shall dispose of business related waste in the designated refuse receptacles provided within the Strand development.
4. Each portable vending cart operator shall obtain a Business License prior to operation.
5. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E) and,



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### SUGGESTED CONDITIONS OF APPROVAL

DATE: 5/5/10  
PROJECT NAME: PLAZA ALMERIA CART EXPANSION  
ENTITLEMENTS: EPA 10-03  
PLNG APPLICATION NO: 2010-0000  
DATE OF PLANS: 3/30/10  
PROJECT LOCATION: 301 MAIN STREET  
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER  
TELEPHONE/E-MAIL: 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT   
TELEPHONE/E-MAIL: 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)  
PROJECT DESCRIPTION: TO PERMIT THE AMENDMENT OF AN EXISTING CART & KIOSK ENTITLEMENT FROM 6 CARTS (WITH 1 ALTERNATE LOCATION) TO 18 CARTS.

#### THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLIED WITH FOR THE SUBJECT USE:

1. The site plan received and dated March 30, 2010 shall be the conditionally approved layout, except for the following:
  - a. A minimum ten foot wide clear path of travel shall be maintained along the public sidewalk adjacent to the portable vending carts and kiosks.



## CITY OF HUNTINGTON BEACH PLANNING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** July 13, 2010  
**PROJECT NAME:** PLAZA ALMERIA CART EXPANSION  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 2010-015  
**ENTITLEMENTS:** ENTITLEMENT PERMIT AMENDMENT NO. 2010-003  
**DATE OF PLANS:** JUNE 2, 2010  
**PROJECT LOCATION:** 301 MAIN STREET (APN: 024-143-26)  
**PLAN REVIEWER:** ETHAN EDWARDS  
**TELEPHONE/E-MAIL:** (714) 536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 18 carts.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated June 2, 2010. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should the project be approved. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. No portion of the cart or kiosk shall overhang the property line. **(HBZSO 230.94.A.1)**
2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio. **(HBZSO 230.94.A.2)**
3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved. **(HBZSO 230.94.A.3)**
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria. **(HBZSO 230.94.A.4)**
5. During hours of operation, the portable vending carts must remain in the locations specified on the approved site plan. **(HBZSO 230.94.C.1)**



6. The outdoor dining and cart operators shall not sell to or solicit from motorists or persons in vehicles. **(HBZSO 230.94.C.2)**
7. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use. **(HBZSO 230.94.C.3)**
8. All provision of the Huntington Beach Municipal Code which are not in conflict with this section shall apply. **(HBZSO 230.94.C.4)**
9. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list and location shall be reviewed and approved by the Planning Director. **(HBZSO 230.94.C.5)**
10. The sale of alcoholic beverages shall be prohibited. **(HBZSO 230.94.C.6)**
11. The number of employees at a portable vending cart shall be limited to a maximum of two persons at any one time. **(HBZSO 230.94.C.7)**
12. Fire extinguishers may be required at the discretion of the Fire Department. **(HBZSO 230.94.C.8)**
13. All cart and kiosk uses shall be self contained for water, waste, and power to operate. **(HBZSO 230.94.C.9)**
14. A cart and kiosk operator shall provide a method approved by the Planning Director for disposal of business related waste. **(HBZSO 230.94.C.10)**
15. Additional parking may be required for cart or kiosk uses by the Planning Director. **(HBZSO 230.94.D)**
16. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocations. **(HBZSO 230.94.E)**
17. The entitlement shall not become effective until the ten calendar day appeal period has elapsed **(HBZSO 241.14)**
18. The entitlement shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date. **(HBZSO 241.16.E)**
19. The entitlement shall lapse if the exercise of rights granted by it is discontinued for 12 consecutive months. **(HBZSO 241.16.C)**
20. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within three (3) days of the Planning Commission's action. **(California Code Section 15094)**

21. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO 232.04)**
22. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO 233)**
23. Outdoor dining (and similar uses) located on the sidewalk area of the public right-of-way and on all other areas shall provide a minimum eight (8) foot clear passage area for pedestrian access. A wider clear passage area may be required at the discretion of the decision making body. **(DTSP)**



## HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** SEPTEMBER 2, 2010  
**PROJECT NAME:** PLAZA ALMERIA CART EXPANSION  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 2010-015  
**ENTITLEMENTS:** ENTITLEMENT PERMIT AMENDMENT NO. 2010-003  
**DATE OF PLANS:** AUGUST 16, 2010  
**PROJECT LOCATION:** 301 MAIN STREET (APN: 024-143-26)  
**PLAN REVIEWER:** OFFICER ARVAR ELKINS  
**TELEPHONE/E-MAIL:** AELKINS@HBPD.ORG  
**PROJECT DESCRIPTION:** EPA: To permit the amendment of an existing cart & kiosk entitlement from 6 carts (with 1 alternate location) to 14 carts.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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No problem seen with adding to the number of existing kiosk's. My only concern is that ample room be left between the kiosks to permit any Officers driving on Main Street to see into the various storefronts on the west side of the street. Preferably the distance between the kiosk's would be greater than or equal to the length of each individual kiosk.

### **230.94 Carts and Kiosks**

Carts and kiosks may be permitted on private property zoned for commercial purposes, subject to approval by the Planning Director and compliance with this section. Carts and kiosks may be permitted as a temporary use on public property subject to Specific Event approval pursuant to Chapter 5.68.

(3249-6/95; 3482-12/00; 3525-2/02)

#### **A. Location and Design Criteria** . Cart and kiosk uses shall conform to the following:

(3249-6/95)

1. No portion of a cart or kiosk shall overhang the property line. (3249-6/95)
2. The cart or kiosk shall not obstruct access to or occupy a parking space; obstruct access to a parked vehicle, impede the delivery of materials to an adjoining property, interfere with access to public property or any adjoining property, or interfere with maintenance or use of street furniture. If any existing parking spaces will be displaced or partially or totally blocked by the proposed cart or kiosk, those spaces must be replaced on-site at a one-to-one (1:1) ratio. (3249-6/95)
3. The cart or kiosk shall not exceed a maximum of four (4) feet in width excluding any wheels, eight (8) feet in length including any handle, and no more than six (6) feet in height excluding canopies, umbrellas or transparent enclosures unless a larger size is approved. (3249-6/95, 3525-2/02)
4. A limit of one cart or kiosk shall be allowed for each commercial business that meets the above locational and design criteria.

#### **B. Factors to Consider** . The following factors shall be considered regarding the location and the design of cart or kiosk uses including: (3249-6/95, 3525-2/02)

1. Appropriateness of the cart or kiosk design, color scheme, and character of its location; (3249-6/95)

2. Appropriateness and location of signing and graphics; (3249-6/95)

3. The width of the sidewalk or pedestrian accessway; (3249-6/95)

4. The proximity and location of building entrances; (3249-6/95)

5. Existing physical obstructions including, but not limited to signposts, light standards, parking meters, benches, phone booths, newsstands, utilities and landscaping; (3249-6/95)

6. Motor vehicle activity in the adjacent roadway including but not limited to bus stops, truck loading zones, taxi stands, hotel zones, passenger loading or parking spaces; (3249-6/95)

7. Pedestrian traffic volumes; and (3249-6/95)

8. Handicapped accessibility. (3249-6/95)

#### **C. Operating Requirements, Provisions and Conditions**.

1. During hours of operation, the cart or kiosk must remain in the location specified on the approved site plan. (3249-6/95)

2. A cart or kiosk operator shall not sell to or solicit from motorists or persons in vehicles.

3. The cart or kiosk operator shall pay all fees and deposits required by the Huntington Beach Municipal Code prior to the establishment of the use. (3249-6/95)

4. All provisions of the Huntington Beach Municipal Code which are not in conflict with this section shall apply. (3249-6/95)

5. The prices of items sold from a cart or kiosk must appear in a prominent, visible location in legible characters. The price list size and location shall be reviewed and approved by the Planning Director. (3249-6/95; 3525-2/02)
6. The sale of alcoholic beverages shall be prohibited. (3249-6/95)
7. The number of employees at a cart or kiosk shall be limited to a maximum of two (2) persons at any one time. (3249-6/95)
8. Fire extinguishers may be required at the discretion of the Fire Department. (3249-6/95)
9. All cart and kiosk uses shall be self contained for water, waste, and power to operate. (3249-6/95)
10. A cart or kiosk operator shall provide a method approved by the Planning Director for disposal of business related wastes. (3249-6/95, 3525-2/02)

D. Parking. Additional parking may be required for cart or kiosk uses by the Planning Director. (3249-6/95, 3525-2/02)

E. Review; Revocation. The Planning Department shall conduct a review of the cart or kiosk operation at the end of the first six (6) month period of operation. At that time, if there has been a violation of the terms and conditions of this section or the approval, the approval shall be considered for revocation. (3249-6/95; 3525-2/02)

F. Neighborhood Notification. Pursuant to Chapter 241. (3525-2/02, 3710-6/05)